

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

To:

HARRISON GODDARD FOOTE  
Attn. Want, Clifford J.  
40-43 Chancery Lane  
London WC2A 1JA  
UNITED KINGDOM

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

12/03/2004

Applicant's or agent's file reference

P/2034.WO/CJW

**FOR FURTHER ACTION**

See paragraphs 1 and 4 below

International application No.

PCT/EP 03/11201

International filing date  
(day/month/year)

09/10/2003

Applicant

TSUNAMI PHOTONICS LIMITED

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the International application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for International preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



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Authorized officer

Iveta Bujanska

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

## INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

### What documents must/may accompany the amendments?

#### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

**"Statement under article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

**Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

**Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>P/2034.WO/CJW</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/EP 03/11201</b>	International filing date (day/month/year) <b>09/10/2003</b>	(Earliest) Priority Date (day/month/year) <b>09/10/2002</b>
Applicant <b>TSUNAMI PHOTONICS LIMITED</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1a

☐ None of the figures.

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 H01S5/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H01S

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, INSPEC, COMPENDEX, IBM-TDB

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 99 40654 A (ALTITUN AB ;ANDERSSON LARS (SE); BROBERG BJOERN (SE)) 12 August 1999 (1999-08-12) page 11, line 24,25; figure 1 page 12, line 1-7,11-29 page 18, line 12,13,28,29	27-40,42
A	WO 01 28052 A (TSUNAMI PHOTONICS LTD ;DOWD RONAN F O (IE)) 19 April 2001 (2001-04-19) page 6, line 9-15; figures 1-3,5-7 page 7, line 1-8,26-30 page 8, line 4-9 page 9, line 24-28 page 12, line 5 -page 13, line 17	1-26,43
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Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*G\* document member of the same patent family

Date of the actual completion of the international search

2 March 2004

Date of mailing of the international search report

12/03/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
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Authorized officer

Laenen, R

C.(Continuation) DOCUMENT CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	WO 03 038954 A (TSUNAMI PHOTONICS LTD ; O'GORMAN NEAL (IE)) 8 May 2003 (2003-05-08) claims 1-5, 7-9, 12-14	1, 2, 7-10, 19, 43
A	WO 00 54380 A (ALTITUN AB ; ANDERSSON LARS (SE)) 14 September 2000 (2000-09-14) page 5, line 18 - page 10, line 24; figures 3, 4	1-40, 42, 43
A	O'DOWD R ET AL: "FREQUENCY PLAN AND WAVELENGTH SWITCHING LIMITS FOR WIDELY TUNABLE SEMICONDUCTOR TRANSMITTERS" IEEE JOURNAL OF SELECTED TOPICS IN QUANTUM ELECTRONICS, IEEE SERVICE CENTER, US, vol. 7, no. 2, March 2001 (2001-03), pages 259-269, XP001108218 ISSN: 1077-260X the whole document	1-40, 42, 43

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9940654	A	12-08-1999	SE 519081 C2	07-01-2003
			AU 2304699 A	23-08-1999
			CA 2316820 A1	12-08-1999
			EP 1050088 A1	08-11-2000
			JP 2002503036 T	29-01-2002
			SE 9800143 A	22-07-1999
			WO 9940654 A1	12-08-1999
			US 6504856 B1	07-01-2003
WO 0128052	A	19-04-2001	IE 990865 A2	14-11-2001
			IE 991022 A2	24-07-2002
			AU 7810700 A	23-04-2001
			CN 1379925 T	13-11-2002
			EP 1221186 A1	10-07-2002
			WO 0128052 A2	19-04-2001
			JP 2003511866 T	25-03-2003
WO 03038954	A	08-05-2003	WO 03038954 A2	08-05-2003
WO 0054380	A	14-09-2000	SE 518827 C2	26-11-2002
			AU 3202700 A	28-09-2000
			AU 3202900 A	28-09-2000
			CA 2360960 A1	14-09-2000
			CA 2360962 A1	14-09-2000
			CN 1340230 T	13-03-2002
			CN 1340232 T	13-03-2002
			EP 1166407 A1	02-01-2002
			EP 1166409 A1	02-01-2002
			JP 2002542608 T	10-12-2002
			JP 2003523616 T	05-08-2003
			WO 0054380 A1	14-09-2000
			WO 0054381 A1	14-09-2000
			SE 9900536 A	18-08-2000
			SE 514188 C2	22-01-2001
			SE 9903039 A	18-08-2000
			US 6587485 B1	01-07-2003



INVESTOR IN PEOPLE

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**The Patent Office  
Patents Directorate**

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Switchboard: 01633 814000  
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Minicom: 08459 222250  
DX 722540/41 Cleppa Park 3  
<http://www.patent.gov.uk>

**Your Reference:** P/02034.GB/CJW  
**Application No:** GB 0223448.2

4 November 2003

Dear Sirs

**Patents Act 1977: Search Report under Section 17(5)**

I enclose two copies of my search report and two copies of the citations.

**Publication**

I estimate that, provided you have met all the formal requirements, preparations for publication of your application will be completed soon after **2 March 2004**. At this time you will receive a letter confirming the exact date when the preparations for publication will be completed. This letter will also tell you the publication number and date of publication of your application.

**Withdrawal/amendment**

If you wish to withdraw your application before it is published you must do so before the preparations for publication are complete. **WARNING** - after preparations for publication are complete it will NOT be possible to withdraw your application from publication.

If you wish to file amended claims for inclusion with the published application you must do so before the preparations for publication are completed. If you write to the Office less than 3 weeks before 2 March 2004 please mark your letter prominently:

**“URGENT - PUBLICATION IMMINENT”**.

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<sup>†</sup>Use of E-mail: Please note that e-mail should be used for correspondence only.





INVESTOR IN PEOPLE

Application No: GB 0223448.2

Page 2

4 November 2003

Yours faithfully

Robert Price  
Examiner



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Application No: GB 0223448.2  
Claims searched: 1-38

Examiner: Robert Price  
Date of search: 3 November 2003

## Patents Act 1977 : Search Report under Section 17

### Documents considered to be relevant:

Category	Relevant to claims	Identity of document and passage or figure of particular relevance
1828.WO PCT-3 X,E	1,7-18, 25-29	WO 2003/038954 (TSUNAMI) See page 1 line 20-page 3 line 31. A2
1804.WO PCT-1 X	1-3,10-19, 25-29	WO 2001/028052 (TSUNAMI) See page 6 line 6-page 8 line 20. A2
X	1,7,10,25	WO 1999/040654 (ALTITUN) See page 3 lines 1-17 A1

### Categories:

X Document indicating lack of novelty or inventive step	A Document indicating technological background and/or state of the art.
Y Document indicating lack of inventive step if combined with one or more other documents of same category.	P Document published on or after the declared priority date but before the filing date of this invention.
& Member of the same patent family	E Patent document published on or after, but with priority date earlier than, the filing date of this application.

### Field of Search:

Search of GB, EP, WO & US patent documents classified in the following areas of the UKC<sup>V</sup>:

H1K

Worldwide search of patent documents classified in the following areas of the IPC<sup>7</sup>:

H01S

The following online and other databases have been used in the preparation of this search report:

EPODOC, JAPIO, WPI